

In The Matter Of:



COPY

Klug v.

Marshall University Board of Governors

Debra Hart

February 17, 2020

Mountain State Reporting LLC

2505 Lakeview Drive

St. Albans, WV 25177

304-727-8590

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<p style="text-align: right;">Page 41</p> <p>1 answer.</p> <p>2 THE WITNESS: The Office of Equity Programs</p> <p>3 would refer to Policy No. GA-1. That is the policy that we</p> <p>4 follow for any complaints relevant to sexual harassment,</p> <p>5 unwanted sexual advances, requests for sexual favors, denied</p> <p>6 opportunities, as listed in GA-1.</p> <p>7 BY MS. WHITEAKER:</p> <p>8 Q Okay. And if somebody at the School of</p> <p>9 Medicine is aware of complaints of the nature that are on</p> <p>10 Page 2 of Exhibit 5, a responsible employee would have a duty</p> <p>11 to report those to you, correct?</p> <p>12 MR. OXLEY: Objection. Go ahead and</p> <p>13 answer.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MS. WHITEAKER:</p> <p>16 Q The third page of this talks about a</p> <p>17 Behavioral Integrity Committee. Are you familiar with that</p> <p>18 committee?</p> <p>19 A I am not familiar with that committee other</p> <p>20 than what I've read. I'm not a member of the committee.</p> <p>21 Q Okay. Do you work with that committee at</p> <p>22 all?</p> <p>23 A Directly, no.</p> <p>24 Q You were describing for me the procedures you</p>	<p style="text-align: right;">Page 43</p> <p>1 Q You would investigate complaints if they</p> <p>2 were made by members of the faculty, too, wouldn't you?</p> <p>3 A Yes.</p> <p>4 Q How do you ensure that the School of Medicine</p> <p>5 is complying with the Title IX policy?</p> <p>6 MR. OXLEY: Objection to form. Go ahead and</p> <p>7 answer the question.</p> <p>8 THE WITNESS: Could you be more specific</p> <p>9 with the question?</p> <p>10 BY MS. WHITEAKER:</p> <p>11 Q Yes. You told me before that you take a</p> <p>12 proactive approach, and I know that you keep track of</p> <p>13 complaints and things like that. How do you ensure that the</p> <p>14 School of Medicine, in particular, is following the Title IX</p> <p>15 policies that you have?</p> <p>16 A We have an online training program that's</p> <p>17 been made available to all faculty and all staff and all</p> <p>18 students that are paid, and the School of Medicine is actually</p> <p>19 a – they're part of the process that assists us in</p> <p>20 administering that program.</p> <p>21 Our training that will come out this year</p> <p>22 will even have the dean's signature, along with the president</p> <p>23 and general counsel, to ensure that all members of Marshall</p> <p>24 faculty and staff and students understand that this training</p>
<p style="text-align: right;">Page 42</p> <p>1 follow for a complaint, and I was wondering if you had a</p> <p>2 document, like a flow chart or something, that shows the</p> <p>3 procedure process?</p> <p>4 A Currently, yes.</p> <p>5 Q Did you just develop that recently?</p> <p>6 A It's been effective with the 2018 GA-1.</p> <p>7 Q Before that, did you have any type of a flow</p> <p>8 chart type thing that showed how it goes?</p> <p>9 A Flow chart, no. And I wouldn't consider the</p> <p>10 handout a flow chart. It identifies the process as it is</p> <p>11 defined in GA-1, but flow chart, no.</p> <p>12 Q Okay. Prior to 2017, did you have any sort</p> <p>13 of document that you would provide to complainants describing</p> <p>14 the process in any more detail than what is in GA-1?</p> <p>15 MR. OXLEY: Objection to form. Go ahead and</p> <p>16 answer the question.</p> <p>17 THE WITNESS: Our complaint process is</p> <p>18 available online, detailed. It asks questions that you</p> <p>19 answer.</p> <p>20 BY MS. WHITEAKER:</p> <p>21 Q Online where?</p> <p>22 A On the equity web page.</p> <p>23 Q Was it part of the complaint form?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 is available, and the importance of understanding federal</p> <p>2 law.</p> <p>3 Q Okay. Prior to that, how did you make sure</p> <p>4 that everyone understood the importance of it?</p> <p>5 A We would contact the school to determine –</p> <p>6 if we received a request for training, they may ask for a</p> <p>7 department, and we might consider or ask are there other</p> <p>8 departments. And we've had the training in place for quite</p> <p>9 some time.</p> <p>10 Q How did you make sure that the trainings were</p> <p>11 happening?</p> <p>12 A Documentation follow-up.</p> <p>13 Q Do you keep documentation of who completed</p> <p>14 the online training?</p> <p>15 A That was maintained through our office, and</p> <p>16 it is up to date from the previous year. Obviously, we don't</p> <p>17 keep it for – once it's updated, we'll have 2017, 2018, 2019.</p> <p>18 And once the company merged, those records were no longer</p> <p>19 available.</p> <p>20 Q When you were tracking them, let's say 2015</p> <p>21 or 2016, it doesn't matter, if you were tracking them, did</p> <p>22 you do anything if you saw, you know, ten people haven't done</p> <p>23 this training in the School of Medicine?</p> <p>24 A Yes. Friendly reminder notices were</p>

Klug v.
Marshall University Board of GovernorsDebra Hart
February 17, 2020

Page 49	Page 51
<p>1 Q Do you know when it was revised before that?</p> <p>2 A I would like to look at the date.</p> <p>3 Q Does it have a revised date on it somewhere?</p> <p>4 A Yes.</p> <p>5 Q Is that something you could look for?</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 MR. OXLEY: If we could take a break here in 9 just a few minutes.</p> <p>10 MS. WHITEAKER: We can do it right now. (WHEREUPON, a recess was taken.)</p> <p>12 MS. WHITEAKER: Back on the record after a 13 short break.</p> <p>14 BY MS. WHITEAKER:</p> <p>15 Q Would you look at Exhibit No. 3, please?</p> <p>16 A Three?</p> <p>17 Q Yes, ma'am.</p> <p>18 A Yes.</p> <p>19 Q Section 4, which is 9 of 12, I think you told 20 me that this is the procedure that you use?</p> <p>21 A Yes.</p> <p>22 Q And it says at 4.22, it talks about 23 responsible employees. And then right above that, 4.21, it 24 says, "Responsible employees must report incidents of</p>	<p>1 Q Yes. Is the filing of the complaint under 2 this policy considered protected activity?</p> <p>3 A What is your definition of protected?</p> <p>4 Q Something that you can't be retaliated 5 against for doing.</p> <p>6 MR. OXLEY: Objection. Go ahead and answer 7 if you can.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. WHITEAKER:</p> <p>10 Q Do you provide any information to a 11 complainant about retaliation?</p> <p>12 MR. OXLEY: Objection to form. Go ahead and 13 answer.</p> <p>14 THE WITNESS: Yes. It's in the policy and 15 procedures.</p> <p>16 BY MS. WHITEAKER:</p> <p>17 Q Anything specific that you would give to a 18 complainant about retaliation or just explaining that they 19 should not be retaliated against?</p> <p>20 MR. OXLEY: Objection to form. Go ahead and 21 answer.</p> <p>22 THE WITNESS: All complainants and 23 respondents receive the entire administrative policy and 24 procedures, and there is a section on retaliation.</p>
Page 50	Page 52
<p>1 prohibited conduct to the Title IX coordinator." Right?</p> <p>2 A Yes.</p> <p>3 Q Under "Responsible Employees," it mentions 4 deputy Title IX coordinators and I notice at the top of this, 5 4.1, it says that deputy coordinators can be appointed. I 6 just want to make sure we're clear on this. The university 7 or you have never appointed any deputy coordinators; is that 8 right?</p> <p>9 MR. OXLEY: Objection to form. Go ahead and 10 answer.</p> <p>11 THE WITNESS: Correct.</p> <p>12 BY MS. WHITEAKER:</p> <p>13 Q "Responsible Employees" are employees in a 14 leadership or supervisory position, or who have significant 15 responsibility for the welfare of students or employees." Is 16 that the correct definition?</p> <p>17 A Yes.</p> <p>18 Q The filing of a complaint is considered 19 protected conduct, right?</p> <p>20 MR. OXLEY: Objection. Go ahead and answer 21 that question.</p> <p>22 BY MS. WHITEAKER:</p> <p>23 Q Protected activity? Is it?</p> <p>24 A Could you state the question again?</p>	<p>1 BY MS. WHITEAKER:</p> <p>2 Q Okay. Is that that same booklet you 3 mentioned to me that the advisors and leaders would get?</p> <p>4 MR. OXLEY: Objection to form. Go ahead and 5 answer.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. WHITEAKER:</p> <p>8 Q Retaliation against a complainant is 9 prohibited, correct?</p> <p>10 A Yes.</p> <p>11 Q Do the administrative procedures you 12 mentioned also talk about the procedures related to 13 disability complaints?</p> <p>14 MR. OXLEY: Objection to form. Go ahead and 15 answer if you can.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. WHITEAKER:</p> <p>18 Q And just like sex discrimination complaints, 19 responsible employees are supposed to report disability 20 discrimination also; is that right?</p> <p>21 MR. OXLEY: Objection to form. Go ahead and 22 answer.</p> <p>23 THE WITNESS: They can report that to the 24 Title IX coordinator, myself, director of equity programs,</p>

Debra Hart
February 17, 2020

Klug v.
Marshall University Board of Governors

Page 53	Page 55
<p>1 and to the director of human resources.</p> <p>2 BY MS. WHITEAKER:</p> <p>3 Q And they must do that, under the policy, if</p> <p>4 they're aware of a discrimination allegation, right?</p> <p>5 MR. OXLEY: Objection to form. Go ahead and</p> <p>6 answer if you can.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. WHITEAKER:</p> <p>9 Q When is the first time you became aware of</p> <p>10 complaints that Dr. Klug had regarding discriminatory</p> <p>11 treatment?</p> <p>12 MR. OXLEY: Objection to form. Go ahead and</p> <p>13 answer if you can.</p> <p>14 THE WITNESS: When she sent me an e-mail to</p> <p>15 request – well, she sent me an e-mail to request a meeting.</p> <p>16 (WHEREUPON, Hart Deposition</p> <p>17 Exhibit No. 6, Office of Equity</p> <p>18 Complaint Form, was marked for</p> <p>19 identification.)</p> <p>20 BY MS. WHITEAKER:</p> <p>21 Q I'm going to give you Exhibit No. 6, and this</p> <p>22 is a document, the first page of it says, "Office of Equity</p> <p>23 Program Complaint Form." I know you mentioned an e-mail.</p> <p>24 Is this the document that was e-mailed to you, or was it</p>	<p>1 was about and whether or not it was a responsibility under</p> <p>2 Equity Programs or Title IX.</p> <p>3 Q Okay. Tell me about that assessment.</p> <p>4 A I can tell you that. There was inclement</p> <p>5 weather that day, so we communicated about whether or not we</p> <p>6 were both going to be able to make the meeting and confirmed</p> <p>7 at that time that we both could make the meeting.</p> <p>8 I'm sharing the truth, as I'm under oath to</p> <p>9 do so. Dr. Klug was visibly upset during the time of our short</p> <p>10 meeting and wasn't able to articulate all of the information</p> <p>11 that I needed to determine whether or not it was Title IX or</p> <p>12 an equity issue.</p> <p>13 Q Was anybody else in the meeting that you had</p> <p>14 with Dr. Klug?</p> <p>15 A No, not that I can recall.</p> <p>16 Q The written narrative that she provided goes</p> <p>17 right up to February of 2016, doesn't it?</p> <p>18 Q Did you answer me? I'm sorry.</p> <p>19 A You asked me did I see it up to February 2016?</p> <p>20 Q Does it go up –</p> <p>21 A Yes, it does.</p> <p>22 Q The narrative goes up through 2016?</p> <p>23 A February 2016, correct.</p> <p>24 Q So when you said it ended at 2014, are you</p>
Page 54	Page 56
<p>1 something else?</p> <p>2 A This is the document.</p> <p>3 Q Okay. And when it was e-mailed to you, did</p> <p>4 you get all of these pages? There's a cover page form and</p> <p>5 then there's three pages after that with detailed</p> <p>6 allegations.</p> <p>7 A I believe so.</p> <p>8 Q And the date on this form on the front, it</p> <p>9 says February 17, 2016?</p> <p>10 A Yes.</p> <p>11 Q Is that the date you received it?</p> <p>12 A Yes.</p> <p>13 Q When you received this complaint form, what</p> <p>14 did you do?</p> <p>15 A Well, I immediately identified that the date</p> <p>16 of the last incident was 6/20/2014. If alleged</p> <p>17 discrimination is continuing, no. And the complainant in</p> <p>18 this particular complaint form marks "Other." So my</p> <p>19 responsibility included to determine what is this complaint,</p> <p>20 what happened, what is it about, is it Title IX, is it a</p> <p>21 grievance, what is it.</p> <p>22 Q Right. So how did you establish that?</p> <p>23 A Dr. Klug scheduled a meeting to have what I</p> <p>24 call an assessment and intake to determine what the complaint</p>	<p>1 just talking about the date that she wrote on the cover?</p> <p>2 A The date on the report. Alleged incident</p> <p>3 discrimination took place on or about 2014.</p> <p>4 Q Okay. And then you said she marked "No"</p> <p>5 under continuing?</p> <p>6 A Correct.</p> <p>7 Q And "Other." Is it unusual for complainants</p> <p>8 not to understand exactly how to fill out these forms?</p> <p>9 MR. OXLEY: Objection.</p> <p>10 THE WITNESS: I can't answer that question</p> <p>11 simply because complainants have the responsibility to</p> <p>12 articulate the alleged incident to give us the message to tell</p> <p>13 us what's happened. And as I indicated earlier, Dr. Klug was</p> <p>14 visibly upset and we certainly had enough time. I shared with</p> <p>15 her, too, if there's other information she wanted to share</p> <p>16 with me to please do so when she felt better.</p> <p>17 BY MS. WHITEAKER:</p> <p>18 Q Okay. And what did you guys talk about</p> <p>19 during the short meeting?</p> <p>20 A We talked about counseling because she – I</p> <p>21 actually left the room to get a box of tissues because she</p> <p>22 was upset.</p> <p>23 Q Did she bring any other materials to you</p> <p>24 other than what you already had with the complaint form and</p>

Klug v.
Marshall University Board of Governors

Debra Hart
February 17, 2020

Page 57	Page 59
<p>1 the attached narrative?</p> <p>2 A Not that were presented to me.</p> <p>3 Q Did you take all the pages of this complaint</p> <p>4 form together when you were looking at it?</p> <p>5 A In all honesty, I believe so, but I spent most</p> <p>6 of my time concerned about the state that Dr. Klug was in.</p> <p>7 And it's common for complainants and respondents to come in</p> <p>8 and they are upset, and our first goal is to ensure that</p> <p>9 counseling services are made available.</p> <p>10 I'm not a clinical psychologist or a</p> <p>11 counselor, so I always make sure that they are going to be</p> <p>12 okay. And a lot of times we wait to make sure that they have</p> <p>13 a chance to settle down a little bit and kind of regroup, and</p> <p>14 they may even come back for another meeting with additional</p> <p>15 information.</p> <p>16 Q Right. At that point did you assign an</p> <p>17 advisor to her?</p> <p>18 A I did not. There was nothing on the form</p> <p>19 that indicated this was a Title IX complaint.</p> <p>20 Q Okay. What about her narrative, did you</p> <p>21 find anything in there that made you think it was a Title IX</p> <p>22 complaint?</p> <p>23 A In my initial overview, it appeared to be a</p> <p>24 personnel issue, human resources.</p>	<p>1 A E-mail.</p> <p>2 Q E-mail. Any other communication that you</p> <p>3 had with the School of Medicine regarding Dr. Klug?</p> <p>4 A No.</p> <p>5 Q Did you ever open any type of investigation</p> <p>6 for Dr. Klug?</p> <p>7 A No.</p> <p>8 Q And just to make sure we're clear, other than</p> <p>9 this complaint that we're talking about here, you never</p> <p>10 received any other complaints either from Dr. Klug or on Dr.</p> <p>11 Klug's behalf any time prior to this?</p> <p>12 A No.</p> <p>13 MR. OXLEY: Objection to form.</p> <p>14 (WHEREUPON, Hart Deposition</p> <p>15 Exhibit No. 7, Letter dated</p> <p>16 3/18/16, was marked for</p> <p>17 identification.)</p> <p>18 BY MS. WHITEAKER:</p> <p>19 Q Let me show you a document. This one is</p> <p>20 marked Exhibit No. 7 to your deposition, and it is a letter</p> <p>21 dated March 18, 2016, from Dr. Mozaffari to Dr. Klug. Have</p> <p>22 you seen this letter before (indicating)?</p> <p>23 A (Witness examines document.) I don't</p> <p>24 recall. Yes, I think so.</p>
Page 58	Page 60
<p>1 Q Okay. Did you change your view of that at</p> <p>2 any time?</p> <p>3 A No.</p> <p>4 Q Did you speak to anybody else about her</p> <p>5 complaint?</p> <p>6 A My expectation was that Dr. Klug was going</p> <p>7 to get back with other information when she was in a better</p> <p>8 state.</p> <p>9 Q Okay. Did you get an investigator involved</p> <p>10 at any time?</p> <p>11 A No.</p> <p>12 Q Did Dr. Klug get back in touch with you?</p> <p>13 A I didn't hear any more from her.</p> <p>14 Q Okay. Did you contact Dr. Klug?</p> <p>15 A Only in – I would have to look at the e-mail</p> <p>16 to determine, but no. The next correspondence or</p> <p>17 communication I received was from the department.</p> <p>18 Q And what was that?</p> <p>19 A That they had worked out a plan of action to</p> <p>20 accommodate the request made in the complaint form.</p> <p>21 Q Who did you talk to?</p> <p>22 A I had a brief conversation, an e-mail from</p> <p>23 Donna Webb.</p> <p>24 Q Was it an e-mail or conversation?</p>	<p>1 Q It looks like you were copied in on it at the</p> <p>2 bottom. I think your name was misspelled, but at least it</p> <p>3 appears your name is at the bottom.</p> <p>4 A Yes, I see it.</p> <p>5 Q Okay. Do you recall specifically what was</p> <p>6 in the e-mail from Donna Webb?</p> <p>7 MR. OXLEY: Objection to form. Go ahead and</p> <p>8 answer if you can.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. WHITEAKER:</p> <p>11 Q What was it?</p> <p>12 A She is – a copy of this letter (indicating)?</p> <p>13 Is that what you're speaking of?</p> <p>14 Q I don't know. I'm asking you what Donna Webb</p> <p>15 sent you. And if I'm –</p> <p>16 A This is the document (indicating).</p> <p>17 Q Okay. Did Dr. Mozaffari or anyone with the</p> <p>18 School of Medicine consult with you about this resolution?</p> <p>19 A No.</p> <p>20 Q Did you talk to Dr. Klug after this to see</p> <p>21 if it was satisfactory to her?</p> <p>22 A I did not speak to Dr. Klug again. I had no</p> <p>23 information that this was a Title IX complaint. And it</p> <p>24 appeared in the correspondence that they were accommodating</p>

Debra Hart
February 17, 2020

Klug v.
Marshall University Board of Governors

<p style="text-align: right;">Page 69</p> <p>1 Q Okay. And where is that located? 2 A In the Department of Human Resources. 3 Q Is it a written plan that we could look at? 4 A Yes. 5 Q And where do we find it? 6 A The director of human resources houses that 7 plan. And let me say it's done in a variety of ways: 8 recruiting, and we are looking at retention. There's a lot 9 in the plan. 10 Q In the affirmative action plan? 11 A Yes, and our recruiting resources. 12 Q Are you involved in recruiting at the School 13 of Medicine? 14 A I think every faculty and staff member at the 15 university is directly involved with recruiting. Yes, I am 16 involved in recruiting. 17 Q Does that all go through HR? 18 MR. OXLEY: Objection to form. Go ahead and 19 answer the question. 20 THE WITNESS: Yes. 21 BY MS. WHITEAKER: 22 Q How are you involved with HR? 23 A I oversee the hiring process for the 24 university.</p>	<p style="text-align: right;">Page 71</p> <p>1 go back to it to clarify that. 2 BY MS. WHITEAKER: 3 Q I would like to know if you have involvement 4 or oversight with regard to the selection of graduate students 5 or residents for the programs? 6 A No. 7 Q What about for faculty serving in programs, 8 particularly at the School of Medicine? 9 A The decision in hiring them? 10 Q Yes. 11 A No. 12 Q Do you think you should have a role in that? 13 A That's a hypothetical question that I can't 14 answer. I don't know. I mean that's not part of my 15 responsibility. 16 Q Whose job is it? Is there anyone who has the 17 job to ensure that there's equity in those selections? 18 A Yes. We have search committees that make 19 the decision for all hires, individual hires. 20 Q And what about for graduate students and 21 medical residents? 22 A I'm not familiar extremely with that 23 process. I don't know that process. 24 Q Is there any assessment that you have done</p>
<p style="text-align: right;">Page 70</p> <p>1 Q Okay. So does HR report to you? 2 A No, we work cooperatively together to ensure 3 that we're identifying available candidates, that the pool 4 of eligible candidates is diverse by gender, ethnicity, et 5 cetera. 6 Q Does that also go into graduate programs like 7 selecting graduate students, residents, things like that? 8 MR. OXLEY: Objection to form. Go ahead and 9 answer. 10 THE WITNESS: I can't answer that question. 11 BY MS. WHITEAKER: 12 Q Do you have any oversight over the 13 different – 14 A The GA positions? 15 Q Yes, diversity with regard to graduate 16 schools and medical schools? 17 A No. 18 MR. OXLEY: Objection. I don't want to 19 intervene, but the reason I'm – the first of my objections, 20 I was confused about whether or not you're talking about 21 hiring people for those positions or admitting students. And 22 that question, the way it was phrased, I could not 23 differentiate between the two. 24 MS. WHITEAKER: Okay, fair enough. So I'll</p>	<p style="text-align: right;">Page 72</p> <p>1 to determine the culture of the School of Medicine, so far 2 as it is equitable for gender? Is it welcoming to people with 3 different disability statuses? Have you done any sort of 4 analysis of that? 5 MR. OXLEY: Objection. Go ahead and answer 6 that question if you can. 7 THE WITNESS: I don't conduct any assessment 8 from my office that would reveal any climate survey for any 9 department. 10 BY MS. WHITEAKER: 11 Q Okay. Why not? 12 A That's not part of my responsibility, and I 13 don't know. If there's an issue or a concern that we need 14 assistance in a specific area or a point of specificity is 15 defined for us to respond to, we do that, but no, not overall. 16 Q Part of your position is to prevent 17 discriminatory environments, correct? 18 A Correct, yes. 19 Q But how is it that you do that, other than 20 I know, of course, you've mentioned the online training and 21 the seminars or workshops that you do? But is there anything 22 else that you're doing? 23 MR. OXLEY: Objection to form. Go ahead and 24 answer if you can.</p>

Klug v.
Marshall University Board of Governors

Debra Hart
February 17, 2020

Page 73	Page 75
<p>1 THE WITNESS: We don't have a way to identify 2 concerns unless a faculty, staff, or student would notify our 3 office to say that there are issues or problems. And when 4 we're notified of such, then we respond to that.</p> <p>5 And just like everyone who visits the Office 6 of Equity Programs is coming because they have a complaint 7 that they will articulate as Title IX or a grievance. They've 8 been denied residency or there's a grievance that they're 9 filing. So we're not – we don't solicit to say tell me what's 10 going on in your area or defining a trend.</p> <p>11 BY MS. WHITEAKER:</p> <p>12 Q Okay. Today one of the documents you 13 brought with you is this Title IX summary and this has dates 14 for the – it looks like it's January 2018 through November 15 2019.</p> <p>16 A Yes.</p> <p>17 Q Is this something that you do every year? Or 18 how often do you do this?</p> <p>19 A We have at least provided this for the last 20 two years.</p> <p>21 Q Okay. Before that, did you do something 22 similar?</p> <p>23 A Not as detailed, no.</p> <p>24 Q Who do you prepare this chart for?</p>	<p>1 A Office of the General Counsel.</p> <p>2 Q And how many years have you been doing the 3 end-of-year report?</p> <p>4 A The last three years.</p> <p>5 Q Did you do it in 2016?</p> <p>6 A No.</p> <p>7 Q In 2016, did you do anything similar?</p> <p>8 A No.</p> <p>9 Q So if you wanted to figure out how many 10 complaints we had in 2016, what would you do?</p> <p>11 A Manually review the files that we have in our 12 office.</p> <p>13 Q Are the files in your office organized by 14 date?</p> <p>15 A Yes.</p> <p>16 Q So it wouldn't be that hard to go back to the 17 2016 or the 2015?</p> <p>18 A 2016, yes.</p> <p>19 Q Well, 2015, same thing?</p> <p>20 A I think so.</p> <p>21 Q Do you only have them back so far?</p> <p>22 A I'm sure I have the last four years.</p> <p>23 Q Okay. Are there records retention policies 24 under Title IX or some of these other policies you have about</p>
Page 74	Page 76
<p>1 A The Office of General Counsel receives this 2 on a weekly basis, depending on, of course, the time period. 3 The Office of the President receives this at least quarterly 4 to know what's going on, on the campus.</p> <p>5 Q Is there anything on this document that is 6 going to show whether the complaints are substantiated or not 7 or what the outcomes were?</p> <p>8 A Not on this form, no.</p> <p>9 Q Is there a different form where you show 10 that?</p> <p>11 A The outcome?</p> <p>12 Q Yes.</p> <p>13 A We have accessibility to it, but no, it's not 14 defined on this form.</p> <p>15 Q You have accessibility to what?</p> <p>16 A To determine the outcome. We're fully aware 17 of all the outcomes.</p> <p>18 Q But do you ever put it together on a chart 19 like we got ten complaints and we verified five of them?</p> <p>20 A It's in our end-of-year report. And we 21 haven't completed it for 2019 because -</p> <p>22 Q Who does the – I'm sorry.</p> <p>23 A Who sees that?</p> <p>24 Q Yes, ma'am.</p>	<p>1 how long you keep documents?</p> <p>2 A Yes.</p> <p>3 Q How long are you to keep them?</p> <p>4 A Seven years.</p> <p>5 Q And do you follow those policies?</p> <p>6 A Very much, yes.</p> <p>7 Q So you should at least have information going 8 back seven years?</p> <p>9 A We have it from the inception.</p> <p>10 Q Okay. Does this chart contain just the ones 11 that you've done actual investigations for?</p> <p>12 A No, it's everything.</p> <p>13 Q It's everything. And are there some times 14 when you don't end up doing investigations?</p> <p>15 A Yes.</p> <p>16 Q What kind of circumstances would those be?</p> <p>17 A When a complainant withdraws the complaint, 18 the parties agree, respondent/complainant, that the 19 situation reported or their account is different than what 20 they initially reported. Various circumstances.</p> <p>21 Some complaints are filed on behalf of 22 complainants, and the complainant may say I have no clue what 23 they're speaking about or why they filed this complaint on 24 my behalf.</p>